

# FARMINGTON CITY PLANNING COMMISSION

Thursday, March 27, 2008

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## **PLANNING COMMISSION STUDY SESSION**

**Present:** Chairman Kevin Poff, Commission Members Rick Wyss, Paul Barker, Randy Hillier, Craig Kartchner, Steve Andersen, City Planner David Petersen, Recording Secretary Kami Mahan, and Challenger School representatives Jay Anderton and Matt Cooper.

**Chairman Poff** called the meeting to order at 6:00 p.m.

The Commission viewed a film on the role of the Planning Commission in city government.

[Alternate Planning Commission Member **Jim Young** arrived at the meeting at 6:20 p.m.]

**David Petersen** listed on the whiteboard the categories and subcategories of Planning Commission responsibilities, which included Appeal Authority, Recommendations, and Land Use Authority. This list is included at the end of these minutes.

**(Agenda Item #3): DWIGHT POULSON - (PUBLIC HEARING): APPLICANT IS REQUESTING A RECOMMENDATION TO REZONE REMNANT PROPERTY LOCATED AT 1266 NORTH MAIN FROM A (AGRICULTURAL) TO LR (LARGE RESIDENTIAL) AND APPROVAL FOR A SUBDIVISION BY METES AND BOUNDS (FLAG LOT AND/OR SPLIT) CREATING AN ADDITIONAL LOT .46 ACRES (19,822 S.F.) IN SIZE WHILE LEAVING THE REMAINING PARCEL AT .28 ACRES (12,115 S.F.) IN SIZE (Z-1-08).**

**David Petersen** reviewed this request and the possible motions that could be made. He passed out a March 27, 2008, letter from Sandra T. Hansen and V. Michael Hansen to the City regarding their concerns about the rezone proposal. The Commission discussed issues of access, increasing traffic in the area, and the applicant's reasons for the request. **Mr. Petersen** stated that he received a call from Chris Martineau, who is not disagreeable to the proposal.

**(Agenda Item #4): BABB INVESTMENTS - (PUBLIC HEARING): APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR A PRIVATE SCHOOL (CHALLENGER) ON APPROXIMATELY 2.70 ACRES LOCATED AT 1089 N. SHEPARD CREEK PARKWAY IN THE R-4 ZONE C-11-07)**

**David Petersen** reviewed this Agenda item and said that notices on the initial public hearing were not sent out. He distributed copies of a letter from Nadine Simon, the President of the Homeowners Association for the Homes at Shepard Creek, expressing the residents' wish to address their concerns and opinions at tonight's public hearing. **Mr. Petersen** read portions of

the letter and detailed some of the residents' concerns.

Challenger School representative **Jay Anderton** answered questions from Commission members with regard to fencing of the project. Possible actions and motions of the Commission were discussed. **Rick Wyss** questioned if the Planning Commission had authority to act on this item.

The meeting adjourned at 7:00 p.m.

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### **PLANNING COMMISSION REGULAR SESSION**

**Present:** Chairman Kevin Poff, Commission Members John Bilton, Paul Barker, Rick Wyss, Randy Hillier, Steve Andersen, Craig Kartchner, City Planner David Petersen, Alternate Planning Commission Member Jim Young, and Recording Secretary Kami Mahan,

**Chairman Poff** called the meeting to order at 7:07 p.m. **Rick Wyss** offered the invocation.

### **APPROVAL OF MINUTES (Agenda Item #1)**

The Commission reviewed the minutes of the March 13, 2008, Planning Commission meeting and made corrections.

**John Bilton** moved to approve the minutes of the Planning Commission meeting held on March 13, 2008, with changes as noted. The motion was seconded by **Paul Barker** and approved unanimously.

### **CITY COUNCIL REPORT (Agenda Item #2)**

**David Petersen** reported the proceedings of the City Council meetings which were held on Tuesday, March 18, 2008. He covered the following items:

- The Station Park Development Agreement is likely to be concluded at the next City Council meeting.
- The City Council approved the zoning ordinance amending text changes with regard to accessory building setbacks.
- The City Council approved the PUD overlay and Preliminary Master Plan for the Meadowview Subdivision.

**DWIGHT POULSON - (PUBLIC HEARING): APPLICANT IS REQUESTING A RECOMMENDATION TO REZONE REMNANT PROPERTY LOCATED AT 1266 NORTH MAIN FROM A (AGRICULTURAL) TO LR (LARGE RESIDENTIAL) AND APPROVAL FOR A SUBDIVISION BY METES AND BOUNDS (FLAG LOT AND/OR SPLIT) CREATING AN ADDITIONAL LOT .46 ACRES (19,822 S.F.) IN SIZE WHILE LEAVING THE REMAINING PARCEL AT .28 ACRES (12,115 S.F.) IN SIZE (Z-1-08). (Agenda Item #3)**

**Background Information:**

The remnant area still zoned A was inadvertently left over as a result of annexations which took place long ago. The zone designation of LR is consistent with the “Low Density Residential” designation of the General Plan.

A flag lot is defined as “a lot that has been approved by the City with access provided to the bulk of the lot by means of a narrow corridor” (Section 12-1-040(17)) or “a lot in the shape of a flag, with the staff portion having frontage on a public street with less than the minimum lot width as defined in the zone in which the lot is located” (Section 11-2-020(56)). Flag lots allow the possibility of a dwelling to be constructed to the rear of another dwelling where most often a front yard abuts a rear yard instead of two rear yards sharing a common boundary as is usually the case in a conventional scenario. Privacy for nearby property owners may be an issue, therefore, flag lots can be controversial. Moreover, sometimes access for public safety vehicles is compromised. Some municipalities in Utah no longer allow flag lots. In Farmington, the standards for flag lots are set forth in Section 12-7-030(10):

(10) Flag lots may be approved by the Planning Commission in any residential zone where, due to unusual parcel dimension, configuration, or topographic conditions, traditional lot design is not feasible. Approval of flag lots shall not be permitted solely on the basis of economic benefit. Such lots shall meet the following criteria:

1. The stem of the lot shall be not less than twenty feet (20') in width and shall not exceed one hundred fifty feet (150') in length;
2. The stem of the lot shall serve one lot only and shall have direct access to a dedicated and improved street;
3. The nearest fire hydrant shall be located no further than one hundred fifty feet (150') from the nearest corner of the proposed building on the lot; and

4. The body of the lot shall meet the lot size and dimensional requirements of the applicable zone. The stem area shall not be used in computing lot size. Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made by the Zoning Administrator at the time a building permit is requested and shall be based on the orientation of the proposed home on the lot.
5. The number of flag lots shall not exceed ten percent (10%) of the total lots in the subdivision unless it is determined by the City that the property could not reasonably be developed otherwise.

Unless the applicant receives a waiver from the City Council as set forth in Section 11-12-065, the lots do not meet the required minimum 20,000 s.f. lot size for the LR zone. Nevertheless, the waiver may be justified because the Planning Commission may consider this request an appropriate in-fill development.

#### END OF PACKET MATERIAL

**Chairman Poff** introduced this Agenda item. **David Petersen** pointed out the property location on the overhead map and reviewed the background information of the proposal. **Mr. Petersen** said the applicant wants to create three lots, and explained how the lots will be configured. He referred to paragraph 10 in the Staff report regarding conditions for flag lots and reviewed the possible motions. He clarified why a waiver of open space would be necessary. City staff is recommending that the rezone be approved.

**Rick Wyss** and **Steve Andersen** questioned whether the Planning Commission has authority to approve these requests, and asked if the City Council needs to take action prior to the Commission.

**David Petersen** said that property owners are not required to disclose their intentions for their property, but the applicant has been forthcoming about his plans. The deep lots allow the homeowners privacy and quiet, even with a high volume of traffic on the road. **Mr. Petersen** restated alternative motions for the Commission to consider.

**Rick Wyss** said that even if the Commission has authority to act, there is a question of jurisdictional authority. This issue will need to be brought before the Commission after the area

is rezoned by the Council. **David Petersen** replied that this has been the City's common practice in the past.

There was discussion on whether to proceed. **Chairman Poff** said that since the item was posted, it would be best to go forward with the public hearing.

**Chairman Poff** pointed out a discrepancy in the number of lots shown on the application and on the map. It was clarified which parcel is being addressed. **David Petersen** explained that there were two unplatted parcels, the boundaries of which can be adjusted by the owner, without constituting a subdivision under state law. The owner will adjust the boundary before he creates the flag lot. The lot line adjustment affects the adjacent property as well.

**Chairman Poff** invited the applicant to address the Commission.

**Dwight Poulson** (1288 North Main) said they would like to improve the property and create a common entrance for all three lots. He said this is preferable to having three separate entries.

### **Public Hearing Opened**

**Chairman Poff** opened the meeting to a public hearing at 7:25 p.m. There were no comments.

### **Public Hearing Closed**

**Chairman Poff** closed the public hearing at 7:25 p.m. and asked the Commission for their consideration. There was no further discussion.

### **Motion**

**Rick Wyss** made a motion to recommend that the City Council approve the zone change as requested because it is consistent with the General Plan, and to request that City Staff bring the issue of the flag lot back to the Planning Commission after the City Council has acted and after the Commission has received input from the Fire Department, obtained by the applicant, regarding the access of the turnaround.

**Craig Kartchner** seconded the motion, which passed by a unanimous vote.

**Steve Andersen** noted that only two responses were received in reaction to the public

hearing notice. In response to a request by **Kevin Poff**, **David Petersen** clarified that public notices are sent out to residents within 300 feet of property under consideration. He said the City Council may want further recommendations from the Planning Commission.

**Dwight Poulson** said the Fire Chief had mentioned three restrictions (a 27' width on the staff of the lot, that the lots be no more than 400 feet from a fire hydrant, and that there be a turnaround for emergency vehicles), all of which were addressed on the plan. He said they can accommodate all requirements. **Rick Wyss** requested that **David Petersen** ensure that the applicant bring Fire Department approval back to the Commission.

In response to a question by **Chairman Poff**, **Mr. Petersen** said that due to notice requirements and meeting times, the flag lot matter may not be ready for consideration until June.

**BABB INVESTMENTS (PUBLIC HEARING): APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR A PRIVATE SCHOOL (CHALLENGER) ON APPROXIMATELY 2.70 ACRES LOCATED AT 1089 N. SHEPARD CREEK PARKWAY IN THE R-4 ZONE C-11-07). (Agenda Item #4)**

**Chairman Poff** introduced this Agenda item. **David Petersen** displayed the Challenger School property on the overhead map, as well as the Site Plan, Landscaping Plan, and vicinity map, and reviewed the proposal's history. He displayed the Master Plan and showed where 1060 North is proposed to be extended. The road needs to go through because of traffic circulation, which affects safety due to the number of homes on the street. Additionally, a traffic light will be installed by the City at 1075 West and Shepard Lane.

**Mr. Petersen** explained the interest and involvement of the neighborhood in the affected area as previous decisions have been made by the City. He said that because of its size, the neighborhood to the west cannot be neglected.

**Mr. Petersen** displayed the plat showing the dedicated right-of-way, which is now owned by the City. Challenger plans to narrow the actual road. The applicant's Landscape Plan shows trees and lawn along the park strip on the south side of the R.O.W., which exceeds what is required. It is uncertain who will maintain this area.

A portion of the development agreement was distributed, and **Mr. Petersen** read from sections of Page 10 g. (2) (ii) regarding Cross Project Trails and (1) © with respect to Construction and Maintenance of Trail Connections. Challenger School may need to install a sidewalk on the south side of the right-of-way, even though it does not abut their property. The proposed south sidewalk did not get onto the Site Plan or Landscape Plan.

The HOA wants a sidewalk if the road goes through, but the resulting foot traffic would raise concerns about privacy and security. **Mr. Petersen** presented options and/or recommendations that could be made by the Commission.

In response to a question by **Kevin Poff**, **Mr. Petersen** said the right-of-way was recorded several months ago.

**Rick Wyss** said that the Commission has no authority to make 1060 North a dead end street, or to require Challenger to put a fence on property it does not own.

**Mr. Petersen** reviewed possible options. **Chairman Poff** said that the Commission has dealt in the past with issues where sidewalks have been requested to be removed or not required, and safety was the determining factor.

**Chairman Poff** invited the representatives of BABB Investments to address the Commission.

**Matt Cooper**, Representative of BABB Investments and Challenger School, said there are 14 feet on the south side of the road, and a sidewalk will interfere with the landscaping which was designed to create a buffer between the development and the condominiums. The development agreement does not require a sidewalk on both sides of the road. The City has proposed flipping the sidewalk from one side of the road to the other, but it is Challenger's position that installing a sidewalk on the north has been approved, which satisfies the requirements of the development agreement. Challenger is planning on running water lines across the road to the buffer and will maintain the landscaping. The proposed trees for the development will be 2" caliper deciduous trees planted on both sides of 1060 North. Challenger's initial reaction to installing a sidewalk on both sides of the street is that it is expensive and not mandated by the development agreement.

**Paul Barker** suggested foregoing trees and installing sidewalks on both sides of the street. **Mr. Cooper** said a decision on this issue can be made after input from the neighborhood citizens is received. **Mr. Barker** questioned if it was reasonable for Challenger to maintain the landscaping since it is not on their property. **Mr. Cooper** said that although this was not required, they assumed it was their responsibility.

**Jay Anderton**, 4752 North Sunset Way, Developer for Challenger School, stated that the maintenance person who cares for the park strip along Shepard Creek Parkway said no funds were available to maintain Challenger's park strip. Challenger felt it was its duty to maintain the strip, which is why water lines were extended.

### **Public Hearing Opened**

**Chairman Poff** opened the meeting to a public hearing at 8:00 p.m.

**Nadine Simon** 1048 West Crestwood Circle, President of the Homeowners Association of the Homes at Shepard Creek, said their research indicates that the grass strip in the middle of Shepard Creek Parkway is under the jurisdiction of the Farmington Preserve, which has many funds and thus can maintain the strip.

**Ms. Simon** said they are pleased to have the Challenger School, and are confident it will be maintained well. They were not informed of the initial public hearing on the school, but they feel there is time to present their concerns on the extension of 1060 North. There are four homes on that strip. Two of those homeowners said they were told the road would never go through, and all are adamantly opposed to the expansion of the street.

**Rick Wyss** stated that the Planning Commission has no authority to make this decision. **Ms. Simon** replied that the large numbers of condominiums were approved by the Commission, and that it was difficult to accept that the road can't be changed by someone in the City government. The road extension made sense before the high density was allowed, but it no longer makes sense. The number of parked cars could be excessive after construction is complete on the condominiums.

**Ms. Simon** said she attended a town meeting with Mayor Harbertson about the proposed stoplight, and he indicated that a traffic study concluded there was not enough traffic to warrant the stoplight.

Regarding the neighborhood to the west referred to by **David Petersen**, **Ms. Simon** said there are no other neighborhoods in the vicinity needing to be joined, and that 1100 West residents do not want Shepard Creek Parkway traffic exiting onto their street. There is adequate access through the area.

**Ms. Simon** questioned why a fence on the south side of the street was not deemed necessary. She also said the term "as per resident request" was used in communications from the City, but that the residents' preferences were not being considered.

**Ms. Simon** said that under the American Disabilities Act, unfinished sidewalks in the area will need to be connected if the road goes through. If the road remains private, this would be unnecessary. Sidewalks on both sides of the road are the preference if the road is extended. A privacy fence would also be wanted. **Ms. Simon** stated that opening the road does not serve the residents of the community.



**Jay Bagwell**, 1093 West 1060 North, said that the Planning Commission does have authority to make decisions. There have been changes to the Master Plans. A through road made sense when the area was zoned differently, but now that condos have been built with freeways on both sides, there are only two outlets. The problem was created when the City allowed condos to be built that had no ingress and egress. Many throughways could be built, but there will still only be two outlets. The traffic created by allowing high density housing shows a major flaw in planning. **Mr. Bagwell** said when he bought his home in 1997, he called the City and was told the street would never go through and that there would be no dense housing in the area. He relied on this information in his decision to buy the home. Leaving the road as a private driveway for Challenger and a dead end for neighborhood would enhance safety. **Mr. Bagwell** said the City Council can make this decision, and he asked the Planning Commission to help by recommending that the street not be made a through-street.

**Amy Bagwell**, 1093 West 1060 North, reiterated **Mr. Bagwell's** frustrations about receiving inaccurate information from the City before they purchased their home. She said she did not appreciate being lied to. They were not allowed to provide input before the townhouses were built. Traffic needs to be addressed, but expanding onto 1100 West will only increase problems. She already has trouble entering onto Shepard Lane, and creating a through-street will make it worse. Increased traffic will intensify safety problems on 1060 West. The original plan has been changed before, and it can be changed again.

**Clinton Jorgensen**, 1092 West 1060 North, said he is concerned with the increased traffic as parents drop off their children and traffic stacks up. Speeding vehicles regularly go through the area. He believes it is a real hazard and that the road should remain a dead end.

**David Musser**, 1063 North 1100 West, said the Farmington Preserve area is now full of condominiums, so trails are not an issue. His main concern is safety. Making 1060 North a through-street with a school and then funneling traffic out of the condos onto 1100 West will cause a disaster. More traffic passing the school creates more opportunity for accidents. Leaving 1060 North as a stub street and having the Challenger School be only a driveway would prevent through traffic and improve safety.

### **Public Hearing Closed**

**Chairman Poff** closed the public hearing at 8:25 p.m.

**John Bilton** said the Planning Commission is only reaffirming previously granted Conditional Use and Site Plan approvals. The sidewalk, public safety, and the 1060 North expansion were the items at issue for this meeting.

**Craig Kartchner** asked the Challenger and BABB Investments representatives if the

through-street was essential to the school's plans. **Jay Anderton** responded that it was not, and said that when the neighborhood meeting was held, it was understood that the private drive connecting the west and north sides for the drop-off and pick-up of students was all that was required. They worked with the City when the lot was purchased, and the City clarified that the street was a requirement. The through street is not as important to Challenger as it is to the residents of the area.

**Rick Wyss** asked how Challenger would do a turnaround if the street did not go through. **Mr. Anderton** replied that they would want a maximum 24' driveway going around the building. A one-way entrance onto the lot would be created. Experience has shown that one-way entrances and exits prevent traffic problems.

**Mr. Wyss** said that when this was approved, there was a condition that required Challenger to complete 1060 North from Shepard Creek Parkway to 1100 West. Challenger detrimentally relied on what was done even though notices were not sent out. This is not an issue that can or should be addressed by the Commission. The Conditional Use permit and Site Plan approval can be reaffirmed, and the 1060 North extension needs to be taken up by the City Council, which has the authority to act. The 1060 North issue could be changed by agreement with the City and the property owners.

**David Petersen** said the agreement was recorded in 1996, which the property owners are bound by, and that they knew the road would go through. **Mr. Wyss** responded that only the City Council can change this. He asked what would prevent the Commission from reaffirming the Conditional Use permit and Site Plan approval allowing the project to move forward, and recommending that the citizens' group meet with City Staff before going before the City Council.

**Mr. Petersen** said the traffic engineer has determined that access for property owners near the proposed traffic light will be significantly compromised if 1060 North remains closed. If concerned citizens want to set up a meeting with Staff, the City's position on this issue can be explained further.

**Chairman Poff** commented that traffic safety is important, but having constructed a stub road rather than a cul-de-sac is a clear indicator that the road will eventually go through. However, there may be an issue with the legal requirement, based on agreement, of whether a sidewalk should be on the other side of the street.

**Jay Anderton** said Challenger is interested in being a good neighbor and would be willing to install a five foot sidewalk on the south. However, their architect informed them that this would eliminate the possibility of planting trees. Sidewalks can be installed if the residents prefer this.

**Chairman Poff** said safety takes precedence over trees, and the City has strongly opposed past efforts to limit sidewalks to one side of the street. **David Petersen** said smaller trees could be planted, and he clarified that a four foot sidewalk is being proposed on the north. **Chairman Poff** said the possibility of a one-way street could be explored. **Mr. Petersen** suggested the option of narrowing 1060 North further than what is being proposed, but said this would increase design costs.

### **Motion**

**Rick Wyss** moved (1) to reaffirm the action taken on July 11, 2007, granting Conditional Use approval to BABB Investment; (2) to reaffirm the action taken on August 23, 2007, granting Site Plan approval for the Challenger School; (3) to recommend that the City Attorney re-review the development agreement with respect to the 1060 North through-street matter, and (4) to recommend that City Staff discuss with citizens options with respect to 1060 North.

**Randy Hillier** seconded the motion, which passed unanimously.

**Steve Andersen** noted that failure to send out notice of the public hearing caused much concern. He apologized to the citizens and said that not all current members of the Commission were involved at that time.

**Randy Hillier** said that even if the concerns had been voiced at the time of approval, this would have been separate from the Conditional Use permit consideration. Approval would probably have been given even if the road issues had been taken into account.

**Kevin Poff** asked if the City Attorney had recently reviewed the development agreement. **Mr. Petersen** said that the Attorney had been involved in drawing up the agreement, particularly the through-street issue, but that he could be asked to re-examine it.

**Steve Andersen** pointed out that Challenger School had worked well with the Commission during the meeting.

### **Findings:**

- a. BABB Investment and Challenger does not consider a through-street as integral to their plans.
- b. The motion takes into account the City's legal responsibility based on previous action, and pays deference to the concerns of the citizen's group.

**Rick Wyss** said he appreciated the citizens' comments, and he complimented Challenger

School on their project and their work with the City.

**David Petersen** advised the representatives from the Homeowner's Association to contact Planning Commission secretary Melissa Jackson to schedule a meeting with City Staff. Once the meeting date is established, a mailing will be sent out to neighbors, which will include residents outside the condominium complex.

**TMU AREA (GENERAL PLAN - TRANSPORTATION MIXED USE) TOD ZONE  
(ZONING ORDINANCE - TRANSPORTATION ORIENTED DEVELOPMENT) -  
DISCUSSION ITEM ONLY. (Agenda Item #5)**

[**Rick Wyss** left the meeting at 8:50 p.m. and Alternate **Jim Young** replaced him on the Commission.]

**Chairman Poff** stated that the Commission had requested instruction on zoning. **David Petersen** gave a presentation on this topic. He explained past general plans of the City and reviewed the history, up to the present, of Farmington's commercial development. **Mr. Petersen** answered questions from the Commission with regard to these and other issues. The Commission discussed at length the future implications of its decisions.

**Motion**

**Craig Kartchner** moved to form a study committee to evaluate the TOD zone text and to make specific recommendations regarding possible changes to the text. The motion was seconded by **Paul Barker**, and unanimously approved.

The Commission discussed hiring a professional consultant to provide planning expertise. **David Petersen** noted that there may be funding available for this purpose. The Commission determined that the time line to do the study, confer with a consultant, and get recommendations to the City Council needs to move as quickly as possible. **Craig Kartchner**, **Kevin Poff**, and **John Bilton** will be included on the study committee.

**MISCELLANEOUS, CORRESPONDENCE, ETC. (Agenda Item #6)**

**David Petersen** pointed out the information in the packet regarding the upcoming Utah Heritage Foundation conference on <sup>April 17, 18<sup>th</sup></sup> and 19<sup>th</sup>. **Craig Kartchner** volunteered to attend.

**Mr. Petersen** asked if a representative from the Historic Commission could give a presentation to the Planning Commission, and the addition of this item to a future agenda was discussed.

**ADJOURNMENT**

**Steve Andersen** moved to adjourn. **Randy Hillier** seconded the motion, which passed unanimously. The meeting adjourned at 9:45 p.m.

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*Kevin Poff, Chairman  
Farmington City Planning Commission*

PH = Public Hearing

**APPEAL AUTHORITY**

## Single family/two family building permits

### **RECOMMENDATION**

General Plan Amendment - PH      }  
Rezone - PH                                } - The City Council does not have to hold PH  
on Text Change - PH                    }     these matters as per state law  
    Subdivision Ordinance  
    Sign Ordinance  
    Zoning Ordinance  
Schematic Plan - PH (Subdivisions) - The City Council holds a PH on Schematic  
Plans  
Final Plat (Subdivisions)  
Street Vacations  
Plat Amendments  
Annexations

### **LAND USE AUTHORITY**

Conditional Use Permits - PH  
Temporary Use Permits - PH  
Special Exceptions - PH  
Site Plan Approval - PH (Commercial uses and Multi family)  
Preliminary Plat - PH